

(REDACTED)

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EXHIBIT 4

CHRISTOPHER WILLIAMS
DECEMBER 19, 2024

JOB NO. 1334537

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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

VALERIE TORRES and RHONDA HYMAN,
individually, and on behalf of all
others similarly situated,

Plaintiffs,

vs. No. 3:22-cv-07465-CRB

PRUDENTIAL FINANCIAL, INC.,
ACTIVEPROSPECT, INC., and ASSURANCE
IQ, LLC,

Defendants. /

VIDEO RECORDED DEPOSITION OF CHRISTOPHER WILLIAMS,
located in Austin, Texas, commencing at 10:03 A.M. CST,
on Thursday, December 19, 2024, before MARK W. BANTA,
Certified Shorthand Reporter 6034, in and for the State
of California.

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11:21:20 1 referring to the software solution rather than the
2 solution to a problem.

3 BY MS. GLIOZZO:

4 Q. What's the difference between a software
11:21:27 5 solution and a solution to a problem?

6 A. When someone references a software solution,
7 they simply mean software generally that does something.

8 Q. Okay. We can agree, though, there's a sentence
9 in the first paragraph here that says, quote.

11:21:48 10 ActiveProspect has solved this problem with its
11 patent-pending TrustedForm lead certification solution.
12 Right?

13 A. That's what the document says.

14 Q. Okay. Do you see the reference we looked at
11:22:07 15 that you need something that, quote, holds up under legal
16 scrutiny? Do you see that?

17 A. I do see that, yes.

18 Q. Do you agree that even today providing proof of
19 consent that holds up under legal scrutiny is one of the
11:22:23 20 goals of the TrustedForm software?

21 A. Yes, I do agree that TrustedForm strives to
22 provide that.

23 Q. Okay. Do you know what is required for proof of
24 consent to hold up under legal scrutiny?

11:22:49 25 MS. DAVIS FISHER: Objection. Vague and calls

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11:24:36 1 or passed along to the appropriate parties as needed.
2 Right?

3 A. Yes, that's what the document says.

4 Q. And then finally, the last sentence in this
11:24:48 5 paragraph, quote: With authoritative proof of prior
6 express written consent, there is no need to determine
7 the type of phone number provided or change the type of
8 system used to dial the number. Right?

9 A. That's what the document says. Yes.

11:25:04 10 Q. And then in the sentence just before that
11 there's a reference that the certificate is, quote,
12 evidence of consent. Right?

13 A. Sorry. Can you repeat that question?

14 Q. In the sentence just before the one we looked
11:25:20 15 at, there's a reference to the fact that the certificate
16 provides -- it says, quote, authoritative evidence of
17 consent. Right?

18 A. Yes. That's what the document says.

19 Q. Okay. So again, the goal of the TrustedForm
11:25:35 20 software is to provide evidence of consent; right?

21 A. Sorry. Can you rephrase that question?

22 Q. Do we agree that the goal of the TrustedForm
23 software as it's being offered and described here is to
24 provide evidence of consent?

11:26:07 25 A. I would characterize the goal of TrustedForm is

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11:26:10 1 to provide evidence of the lead event.

2 Q. How is that different than evidence of consent?

3 A. That's different because the lead event is what
4 happened exactly. Consent is referring to a specific set
11:26:39 5 of criteria, so that's different.

6 Q. Okay. So for any particular TrustedForm
7 certificate, it could include proof of consent if,
8 indeed, consent was given; right?

9 A. Yes, it could.

11:26:58 10 Q. But it includes other things as well; right?

11 MS. DAVIS FISHER: Objection. Vague and
12 ambiguous, and calls for speculation.

13 THE WITNESS: Can you clarify what other things
14 you're referring to?

11:27:12 15 BY MS. GLIOZZO:

16 Q. Sure. In addition to showing whether or not
17 during the session the user provided consent, the
18 TrustedForm certificate would also show, for example, the
19 answers that the visitor inputted on the webform; right?

11:27:31 20 MS. DAVIS FISHER: Objection. Vague and
21 ambiguous. Calls for speculation. And assumes facts not
22 in evidence.

23 THE WITNESS: Can you repeat that question?

24 MS. GLIOZZO: Yeah. Mark, could you read it
11:27:46 25 back for me?

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11:39:12 1 TrustedForm certificate, for example, consent language.
2 Is that right?
3 MS. DAVIS FISHER: Objection. Vague. Compound.
4 And assumes facts not in evidence.
11:39:29 5 THE WITNESS: I'm sorry. Can you repeat the
6 question?
7 BY MS. GLIOZZO:
8 Q. Sure. The way that realtime page scanning works
9 is you provide a chunk of text and the software can tell
11:39:56 10 you whether that text appeared during the user's session
11 as reflected in a TrustedForm certificate. Is that true?
12 MS. DAVIS FISHER: Objection. Vague, compound,
13 and assumes facts not in evidence.
14 THE WITNESS: The page scan feature, I believe
11:40:28 15 that's what the realtime page scanning is referring to,
16 but I have never heard it called realtime page scanning.
17 The page scan feature allows you to pass in a string of
18 characters, and when I say "you," I'm referring to our
19 customers, and then searches through our event-level data
11:40:52 20 to see if there are any sequence of events that match
21 that string period in the events or the assets or HTML
22 that are collected as a part of the TrustedForm
23 certificate.
24 BY MS. GLIOZZO:
11:41:16 25 Q. And as described in this white paper that was

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13:10:04 1 THE WITNESS: There is some part of our service
2 which takes the things identified by the regular
3 expressions and then does the normalization.

4 BY MS. GLIOZZO:

13:10:17 5 Q. Do you see here there's a section, Qualifying
6 Phone Numbers, and Qualifying E-mail Addresses?

7 A. Yes. I see those sections.

8 Q. It says: TrustedForm Certify considers data to
9 be a phone number when it meets the following criteria.

13:10:32 10 There are several bullet points; right?

11 A. Yes, there are.

12 Q. The first one is that the data is in a field
13 whose name doesn't reference postal, zip, IP address, or
14 time. Right?

13:10:54 15 A. Yes. That's the first bullet, what it says.

16 Q. So when the software is examining the data
17 looking for a string of numbers that qualify, one of the
18 things it looks at is the name of the field where the
19 data was entered; right?

13:11:12 20 MS. DAVIS FISHER: Objection. Vague and assumes
21 facts not in evidence. And calls for speculation.

22 THE WITNESS: Will you repeat your question?

23 BY MS. GLIOZZO:

24 Q. When the software is examining the data looking
13:11:36 25 for a string of numbers that qualify as described here,

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13:11:40 1 one of the things it looks at is the name of the field
2 where the data was entered. Is that right?

3 MS. DAVIS FISHER: Objection. Vague. Assumes
4 facts not in evidence, and calls for speculation.

13:12:22 5 THE WITNESS: Yes, at a high level that is
6 correct.

7 BY MS. GLIOZZO:

8 Q. Okay. And it looks at the name of the field so
9 that it can exclude strings of numbers in a field with
13:12:37 10 those names listed because those aren't likely to be
11 phone numbers. Right?

12 MS. DAVIS FISHER: Objection. Vague, misstates
13 the document, and calls for speculation.

14 THE WITNESS: The design of this feature doesn't
13:13:08 15 look for fields whose names are the ones listed in the
16 article in order to avoid collecting and hashing the
17 events for things that would not be used for the lead
18 matching feature.

19 BY MS. GLIOZZO:

13:13:30 20 Q. In other words, it doesn't want to collect
21 things that are a string of 10 digits but that are not a
22 phone number. That's what this describes; right?

23 A. No, that's not correct.

24 Q. It says TrustedForm Certify considers data to be
13:13:50 25 a phone number when it meets the following criteria;

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14:44:16 1 says, quote: Access is restricted to properly
2 credentialed datacenter employees. Right?

3 A. Yes. That's correct.

14:44:29 4 Q. The next section is titled Employee Access;
5 right?

6 A. Yes. That's correct.

7 Q. It says, quote: Our employees may occasionally
8 need access to accounts for support or troubleshooting
9 purposes. Right?

14:44:43 10 A. Yes. That's correct.

11 Q. I think you told me before that you may be
12 within the realm of somebody who is asked troubleshooting
13 questions, but that's not your primary responsibility.
14 Am I remembering your testimony right?

14:45:02 15 A. I believe the gist of that is correct, yes.

16 Q. Okay. So are you within the population of
17 employees that may occasionally need access to accounts
18 for support or troubleshooting purposes?

19 A. Yes, I am.

14:45:17 20 Q. Okay. So in what context would you have
21 occasional access to a customer's account at
22 ActiveProspect?

23 MS. DAVIS FISHER: Objection. Vague.

14:45:41 24 THE WITNESS: I would need access if a customer
25 reports a problem and we want to try to help them.

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14:45:47 1 BY MS. GLIOZZO:

2 Q. Okay. And one thing you might do in the course
3 of trying to help them is access their account; right?

4 A. Yes. That's correct.

14:46:01 5 Q. Does that include looking at a particular
6 TrustedForm certificate? Could that ever be within the
7 scope of what you would need to do as described here?

8 A. Yes, it could, if a customer reports a problem
9 with the TrustedForm certificate and asked us to look at
14:46:22 10 it and try to resolve an issue, yes.

11 Q. Has that ever happened? Have you ever accessed
12 an account for a customer of ActiveProspect and viewed a
13 certificate in the course of providing support to them?

14 A. Yes. That has happened.

14:46:45 15 Q. Is that -- is that a common occurrence, would
16 you say?

17 MS. DAVIS FISHER: Objection. Vague.

18 THE WITNESS: Can you clarify what you mean by
19 common?

14:46:56 20 BY MS. GLIOZZO:

21 Q. Has that happened within the last month?

22 A. Yes, it has.

23 Q. All right. Has it -- how many times has it
24 happened in the last month?

14:47:12 25 A. I do not know.

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14:47:15 1 Q. More than five?

2 MS. DAVIS FISHER: Objection. Asked and

3 answered.

4 THE WITNESS: I would have to guess on that.

14:47:25 5 BY MS. GLIOZZO:

6 Q. I'm just asking you about your experiences. You

7 said that it had happened in the last month. Do you

8 remember it happening more than five times?

9 A. No, I don't remember it happening more than five

14:47:42 10 times.

11 Q. All right. Is it possible that it did happen

12 more than five times but you just can't remember each

13 instance?

14 MS. DAVIS FISHER: Object to the form.

14:47:52 15 THE WITNESS: Yes. That is possible.

16 BY MS. GLIOZZO:

17 Q. Okay. In the last year, were there -- outside

18 the last month, were there more instances where you

19 accessed a customer's account and viewed a TrustedForm

14:48:08 20 certificate?

21 A. Yes, there were.

22 Q. Are you able to estimate how many times that

23 happened in the past year?

24 A. No, I would have to provide a guess for that.

14:48:24 25 Q. Was it more than 10?

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14:48:35 1 A. I can't specifically recall more than 10 times,
2 so I -- I can't provide anything more specific than that
3 without guessing.

4 Q. Okay. Can you say for sure it was not more than
14:48:47 5 100 times in the past year?

6 A. I don't feel like I can say that for sure.

7 Q. Okay. So possibly it might be more than 10, it
8 might be less than 100? You're not exactly sure; right?

9 MS. DAVIS FISHER: Objection. Misstates the
14:49:10 10 witness' testimony and calls for speculation.

11 THE WITNESS: I am not sure. No.

12 BY MS. GLIOZZO:

13 Q. Are you able to narrow it down at all between --
14 more specifically between 10 and 100?

14:49:27 15 A. Not without guessing, no.

16 Q. Okay. When you view a TrustedForm certificate
17 in this context, does it look any different on your end
18 than it looks when ActiveProspect's customer views it?

19 MS. DAVIS FISHER: Objection. Vague. And calls
14:49:53 20 for speculation.

21 THE WITNESS: I'm not aware of anything that
22 would make it look different. No.

23 BY MS. GLIOZZO:

24 Q. Okay. So there's not -- there's no, like, data
14:50:17 25 that it's only visible to you as an employee of

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14:51:32 1 When you have accessed TrustedForm certificates
2 in the past year, say, that we've been discussing, is it
3 typical that you would view the session replay?

4 MS. DAVIS FISHER: Objection. Vague.

14:51:59 5 THE WITNESS: If there is an issue that I am
6 investigating that involves the session replay, then yes,
7 I would view the session replay to help.

8 BY MS. GLIOZZO:

9 Q. And have there been examples of that in the
14:52:14 10 instances where this has happened in the last year where
11 you watched the session replay?

12 A. Yes, there have.

13 Q. The next sentence in this document says:
14 ActiveProspect employees have undergone -- undergone
14:52:33 15 background checks before being granted internal access to
16 our systems.

17 Do you see that?

18 A. Yes, I do.

19 Q. Did you undergo a background check before being
14:52:48 20 granted access to the systems?

21 A. I don't 100 percent recall if I did.

22 MS. GLIOZZO: Okay. We're going to go next to a
23 document that was previously marked in another deposition
24 in this case. I am introducing a document that was
14:53:41 25 previously marked as Exhibit 97.

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15:07:55 1 had read the Javier opinion that it describes here, did
2 ActiveProspect make any changes to the way it operates
3 after the Javier decision was published?

4 MS. DAVIS FISHER: Objection. Vague. Assumes
15:08:16 5 facts not in evidence and calls for speculation.

6 THE WITNESS: I'm not aware of any changes that
7 were made in response to -- to that.

8 BY MS. GLIOZZO:

9 Q. Okay. Did ActiveProspect take any new or
15:08:41 10 additional steps to encourage its customers to make sure
11 that they got consent from their website visitors to the
12 operation of TrustedForm in a way that was going to be
13 effective after the Javier decision came out?

14 MS. DAVIS FISHER: Objection. Vague, calls for
15:09:01 15 speculation, and calls for a legal conclusion.

16 THE WITNESS: To my knowledge, ActiveProspect
17 has always encouraged its customers to give notice about
18 the use of TrustedForm to consumers. That's it.

19 BY MS. GLIOZZO:

15:09:23 20 Q. So no new or additional steps to do that that
21 you are aware of; is that right?

22 A. Can you clarify what you mean by new or
23 additional?

24 Q. Did it do anything after the Javier decision
15:09:39 25 that it wasn't doing before to encourage people who use

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15:37:30 1 MS. DAVIS FISHER: Objection. Vague. Calls for
2 a legal conclusion and calls for speculation.

3 THE WITNESS: To clarify, are you asking me if
4 I've ever heard of an instance where someone has used a
15:37:44 5 TrustedForm certificate as -- as the evidence of proof of
6 consent?

7 BY MS. GLIOZZO:

8 Q. Yeah.

9 A. Yes, I have heard of examples like that.

15:37:58 10 Q. In court? You've heard of examples of that
11 happening where they used it as evidence in court?

12 A. I don't know the specifics of I guess exactly
13 where the examples were used. I've heard that it has
14 been used as evidence in litigation is the term that I
15:38:18 15 generally hear.

16 Q. Okay. Do you know if there was somebody who was
17 using a TrustedForm certificate in litigation, does
18 ActiveProspect have to send an employee to court to sort
19 of say, you know, this is our certificate and this is how
15:38:38 20 we made it?

21 A. To the best of my knowledge, ActiveProspect
22 doesn't have to send an employee, no.

23 Q. Okay. Are you aware of any times where they
24 have done that?

15:38:55 25 A. Yes, I am aware of times when ActiveProspect has

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15:38:58 1 sent an employee.
2 Q. Okay.
3 A. To --
4 (Interruption by Reporter.)
15:39:13 5 THE WITNESS: Give a deposition.
6 BY MS. GLIOZZO:
7 Q. How many times would you say that that's
8 happened that you're aware of?
9 A. I'm not sure exactly, but I'm aware of at least
15:39:44 10 a handful of times that it's happened.
11 Q. Okay. What --
12 A. Maybe more than that. I don't remember.
13 Q. Is a handful more than five?
14 A. A handful is somewhere around five, maybe give
15:40:03 15 or take.
16 Q. Are these all instances from the time in which
17 you were employed at ActiveProspect?
18 A. Yes.
19 Q. Okay. You said you are aware of times when
15:40:31 20 ActiveProspect has sent an employee to give a deposition.
21 Are you aware of any time that ActiveProspect sent an
22 employee to testify at trial about a TrustedForm
23 certificate?
24 A. I'm not, I guess, as familiar with all of the
15:40:59 25 legal terminology and I -- I guess I don't know if that

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15:41:07 1 distinction happened --

2 Q. Okay.

3 A. -- if it was actually in trial.

4 Q. So today at this deposition, we're not in court.

15:41:14 5 There's a reporter here but no judge. Okay? So the

6 distinction I'm trying to draw is somebody who went to

7 court to testify in front of a judge, either at a trial

8 with a jury or perhaps at a hearing where the judge is

9 the one making the decision. So let me ask it again with

15:41:35 10 that clarification in mind.

11 Are you aware of any times when ActiveProspect

12 sent an employee to testify in court about a TrustedForm

13 certificate in a litigation about the TCPA?

14 A. I don't know if the times I'm aware of were in

15:42:00 15 court or out of court.

16 Q. That's helpful. Thank you.

17 In those instances, do you know who was the

18 employee that was sent?

19 A. Yeah. The instances I'm aware of, the employee

15:42:21 20 was Steve Rafferty, the CEO.

21 MS. GLIOZZO: We're going to go to one --

22 another document and then after that I think will be a

23 good time for a short break. I am marking Exhibit 159.

24 [REDACTED]

15:42:52 25 [REDACTED]

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16:14:53 1 Q. Generally, who at ActiveProspect has superuser
2 access?
3 MS. DAVIS FISHER: Objection. Vague and assumes
4 facts not in evidence.
16:15:08 5 THE WITNESS: Yeah. I don't know generally who
6 is given superuser access.
7 BY MS. GLIOZZO:
8 Q. Do you have superuser access?
9 A. Yes, I do.
16:15:15 10 Q. Okay. When did you get superuser access?
11 A. I don't recall exactly when, but I know it was
12 sometime after my onboarding process.
13 Q. Okay. And what types of things are you able to
14 do as a superuser that you aren't able to do if you're
16:15:52 15 not a superuser?
16 MS. DAVIS FISHER: Objection. Vague.
17 THE WITNESS: As a superuser, you can do things
18 like search for accounts, and if you're helping with a
19 support ticket, you can log in to other accounts.
16:16:15 20 BY MS. GLIOZZO:
21 Q. If you're searching for an account, is that a
22 search that you would do in the Snowflake database?
23 A. No, it is not.
24 Q. Where would you do that type of search?
16:16:31 25 A. I would to that type of search in the accounts

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16:29:27 1 is collecting event-level data, it tries to match against
2 a specific set of regular expressions or patterns to
3 determine what information it would like to hash and then
4 make available to use by the lead matching feature.

16:29:46 5 When somebody makes a request to actually use
6 the lead matching feature, the input that they pass in is
7 hashed, and then behind the scenes, TrustedForm compares
8 their hash versus the hashes that were selected as part
9 of the TrustedForm certificate to see if there is a match
16:30:05 10 with any of those.

11 BY MS. DAVIS FISHER:

12 Q. When are the values that TrustedForm collects
13 hashed in connection with this lead matching feature?
14 Actually, let me scratch that. That was a bad question.

16:30:26 15 When are the values that the TrustedForm script
16 selects as part of the lead matching feature hashed?

17 A. Those values are immediately hashed as soon as
18 the pattern is detected before they're -- they're sent to
19 the TrustedForm servers to be stored with the TrustedForm
16:30:50 20 certificate.

21 Q. Does TrustedForm collect the values that we've
22 been talking about in unhashed form?

23 A. No. Those values are always collected as hashed
24 values.

16:31:01 25 Q. When those hashed values are collected, does

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16:37:45 1 the lead matching, it happens, I think you said
2 immediately; right?

3 A. Yes. I said immediately as soon as the pattern
4 is matched from the regular expressions before it's
16:37:58 5 actually sent to ActiveProspect.

6 Q. So imagine somebody's filling out a webform that
7 has TrustedForm installed on it and it's working
8 properly. And there's a form field where they type
9 N-I-N-A. TrustedForm independently records each of those
16:38:21 10 keystrokes; right?

11 MS. DAVIS FISHER: Objection. Vague. Calls for
12 a legal conclusion, and assumes facts not in evidence.

13 THE WITNESS: I would say that TrustedForm
14 captures the events produced by the keystrokes that you
16:38:38 15 mentioned.

16 BY MS. GLIOZZO:

17 Q. Okay. And then if the next keystroke is an @
18 symbol, it captures that event; right?

19 MS. DAVIS FISHER: Objection. Vague and assumes
16:38:49 20 facts not in evidence.

21 THE WITNESS: Yes. Assuming the @ symbol is
22 typed next and on that same website with everything in
23 place properly, yes, then that would be captured.

24 Um-hmm.

25 //

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16:39:04 1 BY MS. GLIOZZO:

2 Q. And then say the next several keystrokes are
3 gmail.com. It would capture each of those events as
4 well; right?

16:39:16 5 MS. DAVIS FISHER: Objection. Vague. Assumes
6 facts not in evidence.

7 THE WITNESS: Yes. Under the same conditions,
8 then those events would also be captured.

9 BY MS. GLIOZZO:

16:39:26 10 Q. And then I think I understand your testimony to
11 be in addition to capturing each of the keystrokes that
12 we just described, the software also says "A-hah, text on
13 either side of an @ symbol, that is something that I will
14 hash and store for this lead matching feature." Is that
16:39:50 15 right?

16 MS. DAVIS FISHER: Objection. Vague. Assumes
17 facts not in evidence. Calls for speculation.

18 THE WITNESS: At a high level, that is correct.

19 BY MS. GLIOZZO:

16:40:01 20 Q. Okay. But the individual keystrokes, those
21 aren't hashed; right?

22 MS. DAVIS FISHER: Objection. Vague and calls
23 for speculation.

24 THE WITNESS: The individual keystrokes that are
16:40:17 25 collected as the events to be sent to the TrustedForm

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16:40:20 1 certificate are not hashed, but they are encoded and
2 still secured before they are sent to the ActiveProspect
3 service or TrustedForm service.
4 MS. GLIOZZO: That's all for me.

16:40:33 5 MS. DAVIS FISHER: Okay. No further questions
6 here.
7 THE VIDEOGRAPHER: This concludes Volume I of
8 the deposition of Christopher Williams for Valerie
9 Torres, et al, versus Prudential Financial, Incorporated,
16:40:47 10 et al. We are now off the record. The time is 4:40 p.m.
11 Central Standard Time.
12 (Discussion off the record.)
13 THE VIDEOGRAPHER: The time is now 4:42 p.m.
14 We are now back on the video record.

16:42:45 15 MS. DAVIS FISHER: This is Grace Davis Fisher on
16 behalf of the defendant and the witness. I wanted to
17 note on the record that defendant reserves its rights to
18 designate portions of the transcript as confidential
19 pursuant to the protective order in this case, and I also
16:43:00 20 want to note that we reserve our right for the witness to
21 review the transcript and provide an errata, as set forth
22 in Federal Rule of Civil Procedure 30. That's all.
23 THE VIDEOGRAPHER: The time is now 4:43 p.m.
24 We are now off the video record.

16:43:23 25 THE REPORTER: And transcript orders are the